

Stockton Field Office
820 S. Walnut
Stockton, KS 67669-0192



Phone: 785-425-6787
Fax: 785-425-6842
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 4, 2022

FARMERS NATIONAL CO
Attn: DK FARM & RANCH
PO BOX 368
BELLEVILLE, KS 66935

Re: Water right, File Nos. SA-019 and 44,042

Dear Mr. Dowell:

Enclosed are 2 (two) orders executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2022**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



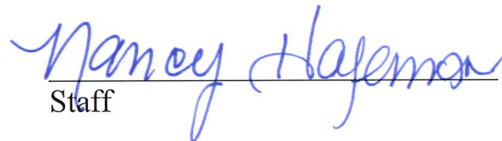
Mark Billinger
Assistant Water Commissioner

MB:ndh
Enclosures

CERTIFICATE OF SERVICE

On this 4th day of April 2022, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in Place of Use and Change in Point of Diversion** for water right, File Nos. SA-019 and 44,042, dated on the 4th day of April 2022, were mailed postage prepaid, first class, U.S. mail, to the following:

FARMERS NATIONAL CO
Attn: DK FARM & RANCH
PO BOX 368
BELLEVILLE, KS 66935



Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE
APPLICATION FOR APPROVAL
TO CHANGE THE PLACE OF
USE AND/OR THE
POINT OF DIVERSION

RECEIVED
 3:34 PM NH
 FEB 28 2022



Stockton Field Office
 Division of Water Resources

STATE OF KANSAS

APPLICATION COMPLETE
 4 / 4 / 22
 Reviewer MB

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. SA-019

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Farmers National Co

PO Box 368 Belleville, KS 66935

Phone Number: (785)729-3045

Email address: MDowell@farmersnational.com

Name and address of Water Use Correspondent: Farmers National Co

PO Box 368 Belleville, KS 66935

Phone Number: (785)729-3045

Email address: MDowell@farmersnational.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: ADG Diederich LLC

ADDRESS: 6 Crestview Dr Salina, KS 67401-3588

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
25	16 S	3 W																		53

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: ADG Diederich LLC

ADDRESS: 6 Crestview Dr Salina, KS 67401-3588

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
25	16 S	3 W																			53

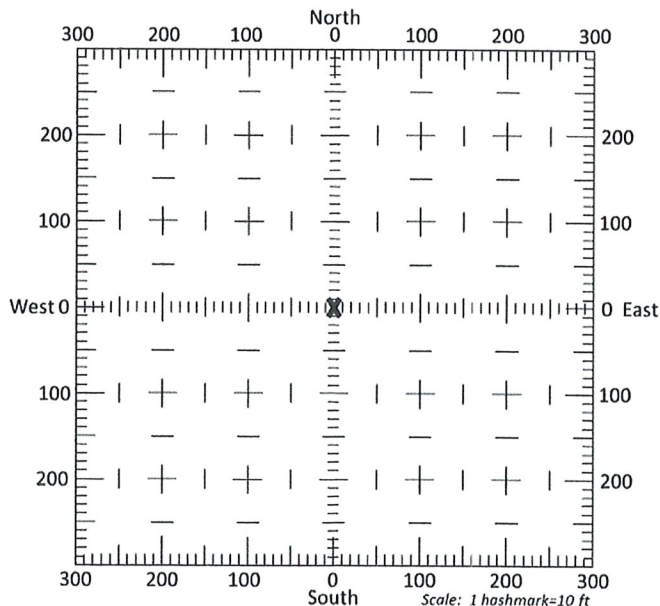
For Office Use Only: Cod _____ Fee \$ _____ TR # _____ Receipt Dat _____ Check # _____

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 FEB 28 2022

5. **Presently authorized point of diversion:**
 One in Southwest of the Southwest Quarter of the Southwest Quarter of Section 25, Township 16 South, Range 3 W, in Saline County, Kansas, 450 feet North 4,800 feet West of Southeast corner of section. Authorized Rate 987 gpm Authorized Quantity 60 AF Depth of well n/a (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in Southwest of the Northwest of the Southwest Quarter of Section 25, Township 16 South, Range 3 W, in Saline County, Kansas, 1,453 feet North 4,792 feet West of Southeast corner of section. Proposed Rate 987 gpm Proposed Quantity 60 AF Proposed well depth (feet) n/a.
 This point is: Additional Well Geo Center List other water rights that will use this point 44042

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Moving pumpsite closer to new pivot center point.
8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by?
12/31/22
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
n/a
 (b) When will this be done? n/a
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by DLM STKFO



- 13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines
- 13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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FEB 28 2022

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Belleville, Kansas, this 22nd day of February, 20 22.

Farmers National Company by Matthew C. Howell
 (Owner)

 (Spouse)

Farmers National Company by Matthew C. Howell
 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

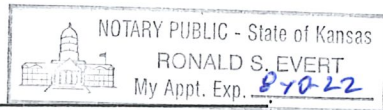
 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Republic } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of February, 20 22.



Ronald S. Evert
 Notary Public

My Commission Expires _____

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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FEB 28 2022

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

RECEIVED
 APR 28 2022
 Stockton Field Office
 Division of Water Resources

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. SA019.

1. A change application was received on 2-28-22 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2022**, or within any authorized extension of time. By March 1, 2023 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
 SUMMARY ORDER ISSUED**

By: Mark Billinger
 Duly Authorized Designee of the Chief Engineer
 (Print Name): MARK BILLINGER
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: 4-4-22
 State of Kansas)
 County of Hooker) SS
 Acknowledged before me on 4-4-22
 by Mark Billinger
 Signature: Nancy Hageman
 Notary Public
 My commission expires: 9-27-25 (Notary Seal)

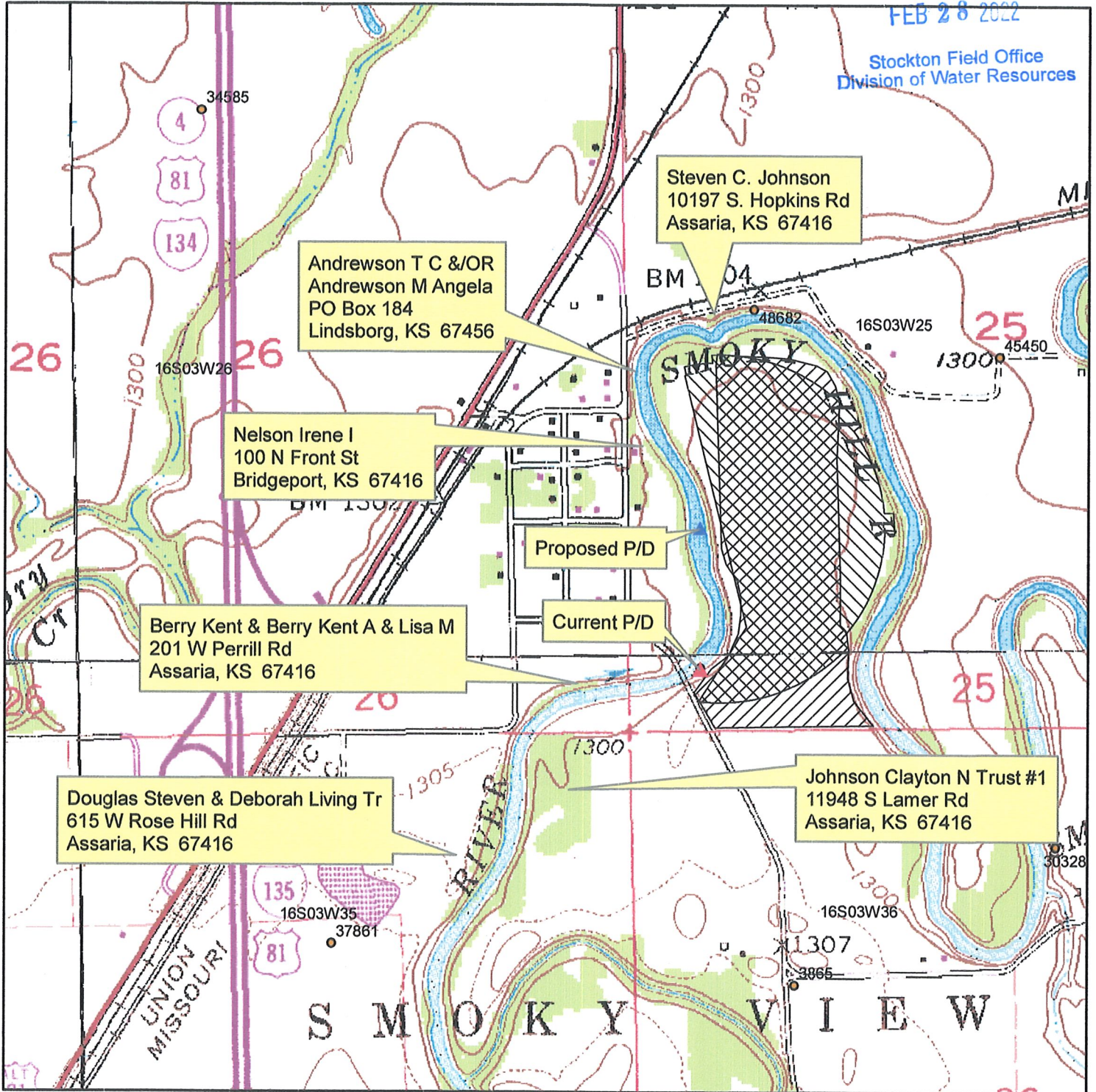


Application to Change the Place of Use and Point of Diversion, Vested Right File No. SA019

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FEB 28 2022

Stockton Field Office
Division of Water Resources



▲ Current P/D ▲ Proposed P/D

1:12,000



 Current P/U

 Proposed P/U

By signing this I am stating that to the best of my knowledge that the names and addresses of all landowner(s) 1/2 mile downstream and 1/2 upstream from my property lines are identified on this map.

Signature: Matthew Z. Swell Date: 2/22/22



RE: Change applications for Water Rights SA019 & 44042Means, David [KDA] to: MDowell@farmersnational.com 02/01/2022 02:17 PM

CAUTION!! PROCEED WITH CAUTION!! This message is from an outside sender.

[Allow sender](#) | [Block sender](#)

Yes, you can sign, but please provide proof as such with the application.

From: MDowell@farmersnational.com <MDowell@farmersnational.com>
Sent: Tuesday, February 1, 2022 1:44 PM
To: Means, David [KDA] <David.Means@ks.gov>
Subject: Re: Change applications for Water Rights SA019 & 44042

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

David-

I have Power of Attorney for ADG Diederich, LLC, so based on the bold text on page 3, I can sign as their agent, correct?

Matt Dowell
Farm Manager - Real Estate Sales
Farmers National Company
P.O. Box 368
Belleville, KS 66935
Office: (785) 729-3045
Cell: (785) 564-1256
<http://www.FarmersNational.com/MattDowell>
<http://www.FarmersNational.com>
Serving America's Landowners Since 1929
Proud to Be Employee Owned

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Stockton Field Office
Division of Water Resources

From: "Means, David [KDA]" <David.Means@ks.gov>
To: "MDowell@farmersnational.com" <MDowell@farmersnational.com>
Date: 02/01/2022 01:35 PM
Subject: Change applications for Water Rights SA019 & 44042

Hey Matt; please see the attached documents. I have completed the applications for you, but please review them to ensure the information is accurate and that the map accurately reflects your pro

CAUTION!! PROCEED WITH CAUTION!! This message is from an outside sender.

[Allow sender](#) | [Block sender](#)

sophospsmartbannerend

Hey Matt; please see the attached documents. I have completed the applications for you, but please review them to ensure the information is accurate and that the map accurately reflects your project plans. Each application will require the notarized signatures of the landowner(s) of the currently authorized place of use on page 3. Please sign and date the maps to indicate you have reviewed them. Once finished, mail the applications and maps to our office here in Stockton for processing. Please be sure to include a check for \$800 made payable to the Kansas Department of Agriculture for the application fees (\$400 per water right).

If you have any questions let me know.

David[attachment "SA019 chg pd & pu.pdf" deleted by Matt Dowell/Farmers-National] [attachment "SA019 chg pd & pu map.pdf" deleted by Matt Dowell/Farmers-National] [attachment "44042 chg pd & pu.pdf" deleted by Matt Dowell/Farmers-National] [attachment "44042 chg pd & pu map.pdf" deleted by Matt Dowell/Farmers-National]

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FEB 28 2022

Stockton Field Office
Division of Water Resources

Declaration of Authority & Power of Attorney

The Clients, by executing this Agreement, grant the authorized employees of Farmers National access to any relevant governmental records pertaining to the Property and germane to its professional management.

In addition, the authorized employees of Farmers National are authorized to act in the name, place, and stead of the Clients with respect to the professional management of the Property. The authorized employees of Farmers National are vested with full power and authority to do and perform all actions necessary or appropriate to professionally manage the Property. This shall include the execution, delivery and/or recording of any leases, documents, forms or other instruments, as fully to all intents and purposes as the Clients might or could do, with full power of substitution and revocation. The Clients ratify and confirm all that the duly authorized employees of Farmers National lawfully do or cause to be done on behalf of the clients.

The Clients agree to give Farmers National any additional Powers of Attorney needed to professionally manage the Property in the manner described herein. This may include, but is not limited to, Powers of Attorney required by government agencies for participation in government programs.

Successors in Trust

This Agreement shall be binding upon the heirs, successors, assigns, or personal representatives of the parties hereto.

Legal Description of the Property – SEE ADDENDUM 1

Property Deed(s) to be attached to Agreement for full legal description

Clients <input checked="" type="checkbox"/> Sign and Date Here	
ADG DIEDERICH, LLC	
Signature: <input checked="" type="checkbox"/> <i>Daniel K. Diederich</i>	Date: <input checked="" type="checkbox"/> 07/14/2021
ADG Diederich, LLC	
By: Daniel K. Diederich, Manager, Agent	

Acceptance by Farmers National Company	
Signature: <i>Susan McLaughlin</i>	Date: 7/16/2021

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Stockton Field Office
Division of Water Resources

**-Addendum 1-
Legal Description**

State: Kansas County: McPherson & Saline Approximate Acres: 464.58±

Nearest Town and Zip Code to the McPherson County farm Lindsborg, Kansas 67456

Nearest Town and Zip Code to the Saline County farm: Bridgeport, Kansas 67416

Further Described as:

See Attached Deed(s) for complete Legal Description

State	County	Tax Parcel #	Brief Legal Description	Tax Parcel Acres
Kansas	McPherson	0590321000000009000	Pt of the SE1/4, East of the Smoky Hill River, Sec. 10, Twp 17S, Rge. 3 W of the 6 th PM	94.32
Kansas	McPherson	0590321000000002000	NE1/4 NW1/4 E & N of River & SW1/4 NE1/4 & S1/2 NW1/4 E & N of River all in Sec. 10, Twp. 17S, Rge. 3 W of 6 th PM	119.66
Kansas	Saline	085-187-25-0-00-00-008.00-0	Pt SE1/4 NW1/4 & Pt SW1/4 Sec. 25, Twp. 16S, Rge. 3W	188.50
Kansas	Saline	085-187-36-0-00-00-003.02-0	PT NW1/4 Sec. 36, Twp. 16S, Rge. 3	62.10
TOTAL ACRES:				<u> 464.58 </u>

Clients Sign and Date Here

ADG DIEDERICH, LLC

Signature: X

Daniel K. Diederich

Date: X

07/14/2021

ADG Diederich, LLC

By: Daniel K. Diederich, Manager, Agent

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